

Appl. No. 10/729,733
Amdt. date December 7, 2007
Reply to Office action January 25, 2007

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REMARKS/ARGUMENTS

Please reconsider the application in view of the above claims and the following remarks.

Applicants note with appreciation that the Examiner has reviewed the Applicants' previous response. Claims 1-16 are in the application. Claims 1 through 10 have been withdrawn. Claims 10 and 15 have been amended. Claims 12, 13 and 14 have been canceled. Claim 16 has been added as new.

Rejection(s) under 35 U.S.C. § 102

Claims 10 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bierman U.S. Patent 6,827,705. The examiner asserts Bierman discloses a method for inserting a catheter into a patient, including attaching the clip to the device, applying pressure and moving the clip to further insert the device into the patient, unlocking an outer angiograph housing and rotating the housing. Applicant respectfully traverses the Examiner's assertion.

The present invention describes a catheter method that allows for an easier insertion and placement of IV catheters. A clip enables the practitioner to insert and withdraw the catheter device from the patient with the use of only one hand. This ability to perform this procedure with only one hand enables the practitioner to use the other free hand to hold, secure and restrain the patient. As a result, this invention greatly reduces the need to reinsert the needle multiple times because patient movement has affected the insertion process. In the method of the invention, the user rotates an outer catheter housing in order to unlock the housing and provide movement of the outer housing with respect to an inner housing. This movement enables the insertion and withdrawal of the needle into the patient.

Bierman describes a catheter anchoring system is provided to securely anchor to a patient's skin a catheter and fluid supply tube interconnection. The anchoring system comprises a retainer configured to receive a catheter adaptor in a variety of positions. The adaptor interconnects the catheter and the fluid supply tube. In one embodiment the adaptor takes the form of a conical-shaped fitting permanently attached to the collar and

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includes a recess, which extends around the circumference of the adaptor. The anchoring system additionally includes a flexible, adhesive anchor pad, which supports a tube clip, as well as the retainer. The retainer includes a channel that is configured to receive the adaptor in a snap-fit manner. The retainer also includes a plurality of projections. Each projection is sized to be received by a recess of the adaptor to prevent the adaptor from sliding within the channel.

The claims of the present invention recite a step of rotating an outer angiocatheter housing in order to facilitate movement of the catheter base section and to facilitate movement of an internal needle housing. No such limitation is disclosed in Bierman. The present invention describes a method wherein the dual housing of a catheter is in a locked position. In addition, the movement to unlock the dual housing is a rotating movement. The physical structure of the present invention is different from Bierman. As a result the physical structure of the catheter described in the present invention implements steps in order operate the catheter as designed.

In order to sustain a novelty rejection under 35 U.S.C. 102(e), the cited reference must disclose each element of the claimed invention. Contrary to the examiner's statement that all elements are disclosed in the cited reference, the step of unlocking an outer angiocatheter housing by rotating the outer angiocatheter housing order to facilitate movement is not, so the rejection is unsupported by the art and should be withdrawn.

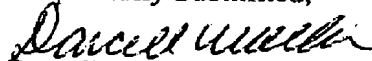
In view of the above, the cited art fails to anticipate the claimed invention. Applicant, therefore, requests withdrawal of the rejection under 35 U.S.C. § 102. Applicant further submits that all of the pending claims are in condition for allowance. Withdrawal of the rejections and passage to issuance is respectfully requested. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number. Applicant has added a new claim, however, the total number claims and the number of independent claims do not exceed the allowable number. As a result, Applicant believes no fees are due in this case.

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Applicant is aware that this office action was mailed on January 25 2007. However, the office letter was never delivered to the Applicant attorney. Applicant's attorney became aware of this action when the USPTO contacted the attorney about a response to this application and a possible abandonment of the application. Applicant's attorney then went to PAIR to view the response. Applicant was not successful in contacting the Examiner. The attorney was not able to leave a message for the examiner.

At the time of the mailing of the office action (January 25, 2007), the address of the action was accurate. Attorney for the applicant have received numerous correspondences from the patent office at that same address well after January 25, 2007. Applicant feels that the failure to respond to the office letter within the original three-month period was due to the post office's failure to delivery the office letter. Once learning of the existence of this office letter attorney has been diligent in preparing a response for this office letter. Applicant submits that this response is timely filed in view of the fact that Applicants' did not receive notice of this action until November 2007. Applicant believes this reply to be fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number.

Respectfully Submitted,


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